

29 MAY 2007



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|                                     |   |          |
|-------------------------------------|---|----------|
| In re Application of                | : |          |
| BREDDAM et al.                      | : |          |
| Application No.: 10/598,779         | : | DECISION |
| PCT No.: PCT/DK2005/000160          | : |          |
| Int. Filing Date: 09 March 2005     | : |          |
| Priority Date: 11 March 2004        | : |          |
| Attorney Docket No.: 12845.0009USWO | : |          |
| For: BARELY FOR PRODUCTION OF       | : |          |
| FLAVOR-STABLE BEVERAGE              | : |          |

This notification is in response to applicants' petition to revive under 37 CFR 1.137(b) filed in the United States Patent and Trademark Office (USPTO) on 22 May 2007.

### **BACKGROUND**

On 09 March 2005, applicant filed international application PCT/DK2005/000160, which designated the U.S. and claimed a priority date of 11 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 22 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 September 2006.

On 11 September 2006, applicant filed, *inter alia*, a transmittal letter for entry into the national stage in the United States. The transmittal letter did not include authorization to charge the U.S. Basic National Fee.

On 02 May 2007, a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) was mailed indicating that the application was abandoned as to the United States of America for failure to pay the U.S. Basic National Fee by thirty months from the priority date.

On 22 May 2007, applicants filed the instant petition to revive under 37 CFR 1.137(b).

### **DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the U.S. Basic National Fee on 22 May 2007.

As to item (2), applicant submitted the petition fee on 22 May 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of inventors filed 22 May 2007 is in compliance with 37 CFR 1.497(a)-(b).

#### **CONCLUSION**

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.



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